

EXHIBIT 2

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OF NEW YORK ANNOTATED

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Arts and Cultural Affairs Law

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Current Through the Laws of 2010, chapters 1 to 59 and
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Includes Commentaries by
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ARTICLE 25—TICKETS TO PLACES OF ENTERTAINMENT

[Eff. until May 16, 2011, pursuant to L.1991, c. 704, § 4.

See also, Art. 25-Theatre Tickets, ante.]

Section

- 25.01. Legislative findings.
- 25.03. Definitions.
- 25.05. Repealed.
- 25.07. Ticket prices.
- 25.08. Additional printing on tickets.
- 25.09. Ticket speculators.
- 25.11. Resales of tickets within buffer zone.
- 25.13. Licensing of ticket resellers.
- 25.15. Bond.
- 25.17. Supervision and regulation.
- 25.19. Posting of license or certificate.
- 25.21. Change of office location.
- 25.23. Posting of price lists; information to purchaser.
- 25.24. Automated ticket purchasing software.
- 25.25. Records of purchases and sales.
- 25.27. Commissions to employees of places of entertainment.
- 25.29. Unlawful charges in connection with tickets.
- 25.30. Operator prohibitions.
- 25.31. Suspension or revocation of licenses.
- 25.33. Private right of action.
- 25.35. Criminal penalties.

Historical and Statutory Notes

L.2010, c. 151 legislation

L.2010, c. 151, § 11, provides:

"Notwithstanding the provisions of article 5 of the general construction law, if this act shall take effect after May 15, 2010, the provisions of article 25 of the arts and cultural affairs law, except section 25.11 are hereby revived and shall continue in full force and effect as they existed on May 15, 2010 through May 15, 2011, when upon such date such provisions shall expire and be deemed repealed."

L.2007, c. 61 legislation

L.2007, c. 61, § 19, as amended by L.2007, c. 374, § 12, eff. July 18, 2007, provides:

"This act shall take effect immediately, provided this chapter shall not take effect with respect to the issuance of licenses or certificates under this article by the secretary of state or department of state until January 1, 2008 and regulation under this article by the commissioners of licenses of the political subdivisions of the state shall continue through December 31, 2007, and provided further,

that the amendments to article 25 of title G of the arts and cultural affairs law made by sections one through fifteen of this act shall not affect the repeal of such article and shall be deemed repealed therewith; and provided further that section seventeen of this act shall take effect upon the reversion of article 25 of title G of the arts and cultural affairs law pursuant to section 4 of chapter 704 of the laws of 1991, as amended."

L.2005, c. 106 legislation

L.2005, c. 106, § 11-a, added by L.2005, c. 134, § 6, eff. June 30, 2005, deemed eff. June 14, 2005, provides:

"Notwithstanding the provisions of article 5 of the general construction law, the provisions of article 25 of title G of the arts and cultural affairs law are hereby revived and shall continue in full force and effect as they existed on May 31, 2005 and shall be subject to the repeal and reversion of such article pursuant to chapter 704 of the laws of 1991, as amended."

L.1991, c. 704 legislation

L.1991, c. 704, § 4; amended L.1994, c. 319, § 1; L.1995, c. 114,

§ 1; L.1996, c. 28, § 1; L.1997, c. 632, § 1, deemed eff. June 1, 1998; L.1998, c. 73, § 1, eff. June 1, 1999; L.1999, c. 60, § 1, eff. June 1, 2000; L.2000, c. 42, § 1, eff. June 1, 2001; L.2001, c. 48, § 1, eff. May 3, 2001; L.2001, c. 56, § 7, eff. June 8, 2001; L.2001, c. 68, § 1, eff. June 10, 2003; L.2001, c. 106, § 10, eff. June 14, 2005; L.2001, c. 61, § 1, eff. May 31, 2007; L.2001, c. 374, § 11, eff. July 18, 2007; L.2009, c. 68, § 2, eff. June 1, 2009; L.2010, c. 151, § 5, eff. July 2, 2010, p

"This act [adding Arts and Cultural Affairs Law article 25, set out repealing Arts and Cultural Law article 25, set out for amending McK. Unconsol. § 8919] shall take effect on the day after it shall have been enacted [became law Aug. 2, 1991, provided, that the laws of 2007 shall not take effect with respect to the issuance of licenses or certificates under this article until the secretary of state or department of state until January 1, 2008 and regulation under this article

§ 25.01. Legislative fi

[Eff. until May 16,

See also, § 25.01 in A

The legislature finds and for admission to places of and subject to the super political subdivisions of the public against fraud, extor

The legislature further and sell tickets to places New York state often from the provisions of t claim that businesses dom from this statute when sel state, regardless of the t seller. It is the legisla charged with enforcement al of New York state have persons reselling tickets t extent of the state's powe and that this article be co (Added L.1991, c. 704, § 1. L.2007, c. 61, § 1, eff. May 3,

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itory Notes

article pursuant to chapter 704 of the laws of 1991, as amended." 2005, c. 106, § 12, provides:

"This act shall take effect immediately, provided, however, that the amendments to the arts and cultural affairs law made by this act shall not take effect until the repeal of article 25 of title G of such law and shall be deemed repealed therewith."

§ 1, c. 704 legislation

1991, c. 704, § 4; amended 1994, c. 319, § 1; L.1995, c. 114, § 1, eff. June 1, 1997; L.1996, c. 28, § 1; L.1997, c. 8, § 1, deemed eff. June 1, 1997; L.1998, c. 73, § 1, eff. June 1, 1998; L.1999, c. 60, § 1, eff. June 1, 1999; L.2000, c. 42, § 1, eff. June 1, 2000; L.2001, c. 48, § 1, eff. May 31, 2001, deemed eff. June 1, 2001; L.2001, c. 7, eff. June 8, 2001; L.2003, c. 1, eff. June 10, 2003; L.2005, c. 10, eff. June 14, 2005; L.2007, c. 1, eff. May 31, 2007; L.2007, c. 4, § 11, eff. July 18, 2007; L.2009, c. 68, § 2, eff. June 9, 2009, deemed eff. June 1, 2009; L.2010, c. 5, eff. July 2, 2010, provides: "This act [adding Arts and Cultural Affairs Law article 25, set out second, and repealing Arts and Cultural Affairs Law article 25, set out first, and repealing McK. Unconsol. Laws § 1] shall take effect on the sixtieth day after it shall have become law. Aug. 2, 1991, eff. 1991, provided, chapter 61 of the laws of 2007 shall not take effect with respect to the issuance of licenses or certificates under this article by the secretary of state or department until January 1, 2008 and any action under this article by the holders of licenses of the political subdivisions of the state shall remain in full force and effect only until and including May 1, 2008 when such act shall be repealed and when, notwithstanding any provision of law, the provisions of article 25 of title G of the arts and cultural affairs law, repealed by this act, shall be reinstituted; pro-

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vided further that section 25.11 of the arts and cultural affairs law, as added by section one of this act, shall survive such repeal date. Provided, however, the printing on tickets required pursuant to sections 25.07 and 25.08 of article 25 of the arts and cultural affairs law, as added by this act, shall not apply to tickets printed

prior to enactment of such article so long as notice of the higher maximum premium price and prohibition of sales within one thousand five hundred feet from the physical structure of the place of entertainment, where applicable, is prominently displayed at the point of sale and at such place of entertainment."

Notes of Decisions

Validity 1

1. Validity

Maximum ticket price restrictions contained in anti-scalping statute are

not unconstitutional. *People v. Rosenblatt* (1 Dept. 2000) 277 A.D.2d 61, 717 N.Y.S.2d 9. Public Amusement And Entertainment § 5

§ 25.03. Definitions

[Eff. until May 16, 2011, pursuant to L.1991, c. 704, § 4. See also, § 25.03 in Art. 25 Theatre Tickets, ante.]

As used in this article the term: 1. "Entertainment" means all forms of entertainment including, but not limited to, theatrical or operatic performances, concerts, motion pictures, all forms of entertainment at fair grounds, amusement parks and all types of athletic competitions including football, basketball, baseball, boxing, tennis, hockey, and any other sport, and all other forms of diversion, recreation or show.

2. "Established price" means the price fixed at the time of sale by the operator of any place of entertainment for admission thereto, which must be printed or endorsed on each ticket of admission.

3. "Final auction price" shall mean the price paid for a single ticket by a winning bidder. In the case of a single action price for a ticket package, including packages containing tickets to multiple events, the final auction price per ticket shall be established by evenly dividing a prorated share of the winning bid, which shall be determined by the seller, by the number of tickets to such event.

4. "Not-for-profit organization" means a domestic corporation incorporated pursuant to or otherwise subject to the not-for-profit corporation law, a charitable organization registered with the department of law, a religious corporation as defined in section sixty-six of the general construction law, a trustee as defined in section 8-1.4 of the estates, powers and trusts law, an institution or corporation formed pursuant to the education law, a special act corporation created pursuant to chapter four hundred sixty-eight of the laws of eighteen hundred ninety-nine, as amended, a special act corporation formed pursuant to chapter two hundred fifty-six of the laws of nineteen hundred seventeen, as amended, a corporation authorized pursuant to an act of congress approved January fifth, nineteen hundred five, (33 stat. 599), as amended, a corporation established by merger of charitable organizations pursuant to an order of the supreme court, New

"This act shall take effect immediately; provided that the amendments to section 25.03 of the arts and cultural affairs law, made by section two of this act, shall be subject to ratification and reversion of said law pursuant to section 4 of chapter 19 of the laws of 1991, as amended, when upon such date the provisions of section two of this act shall have taken effect; provided further, that the amendments to section 25.03 of the arts and cultural affairs law made by section four of this act shall terminate the expiration and reversal provisions of such article and shall expire and be deemed repealed therewith; further, that the amendments to section 25.25 of the arts and cultural affairs law, made by section five of this act shall not affect the repeal of such article and shall be deemed repealed therewith; provide that the amendments to sections 25.06 of the arts and cultural affairs law made by section seven of this act shall not affect the repeal of such article and shall be deemed repealed therewith; provided, further, that the amendments to section 25.07 of the arts and cultural affairs law made by section eight of this act, shall not affect the repeal of such article and shall be deemed repealed therewith; further, that the amendments to paragraph (c) of subsection 25.30 of the arts and cultural affairs law as added by section nine of this act shall not apply retroactively at initial sale prior to July 2, 2010; or provided, further, that the amendments to section 25.35 of the arts and cultural affairs law, made by section ten of this act, shall not affect the expiration and reversion of such article and shall be deemed repealed therewith; provided further that section 25.38 of the arts and cultural affairs law made by section eleven of this act, shall survive the expiration and reversion of such article 25 of such law as provided in section 4 of chapter 19 of the laws of 1991, as amended."